

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SARA CALDWELL : CIVIL ACTION  
: :  
v. : :  
: :  
TOWNSHIP OF MIDDLETOWN : NO. 13-762

**ORDER**

AND NOW, this 25th day of November, 2013, upon consideration of Defendant's Motion to Dismiss Plaintiff's Complaint (Docket No. 6), and all documents filed in connection therewith, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Motion to Dismiss is **GRANTED** as to the Complaint's Second Claim for Relief and the Second Claim for Relief is **DISMISSED**.
2. The Motion to Dismiss is **GRANTED** as to the Complaint's request for a Declaration "that the acts and practices complained of [in the Complaint] are in violation of Plaintiff's rights as secured by the 5<sup>th</sup> Amendment of the United States Constitution . . . ."
3. The Motion to Dismiss is **GRANTED** as to the Complaint's request for a Declaration "that the acts and practices complained of [in the Complaint] are in violation of the Plaintiff's rights as secured by the 14<sup>th</sup> Amendment of the United States Constitution by denying Plaintiff her procedural due process rights there under."
4. The Motion to Dismiss is **DENIED** as to the Complaint's First Claim for Relief.

**IT IS FURTHER ORDERED** that Defendant's Motion for Leave to File a Reply Brief (Docket No. 8) is **GRANTED**. The Clerk shall docket the Reply Brief that is attached as Exhibit A to that Motion.

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.